

## REMARKS

### **Status of the Claims**

Claims 14-16 are cancelled.

Claims 1-13 and 17-18 are pending.

Claims 4 and 5 are withdrawn pursuant to an election requirement.

Claims 9-13 and 17-18 are withdrawn pursuant to a restriction requirement. Claims 9, 13 and 18 have been amended to require all the limitations of claim 1.

### **Restriction Requirement**

The Examiner has maintained the restriction requirement. Applicants withdraw the non-elected claims 9-18 directed to the non-elected subject matter of Groups II–IV. Further, Applicants have amended claims 9, 13, and 18 to insert all the limitations of claim 1. Upon allowance of claim 1, Applicants request rejoinder of the non-elected claims 9-13 and 17-18. *See* MPEP § 821.04.

### **Election Requirement**

Claims 4 and 5 are grouped with Group I of the restriction requirement. Claims 4 and 5 were withdrawn pursuant to an election requirement. Claims 1 and 2 are generic to claims 4 and 5. Upon allowance of claim 1 or 2, applicants maintain that claims 4 and 5 are ripe for examination. *See* 37 CFR 1.141 and MPEP 809.

### **Double Patenting Rejection**

Claims 1-3 and 6-8 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of copending

Application No. 11/387,065 and over claims 1-8 of copending Application No. 11/345,653. Examiner makes this double patenting rejection provisionally, since the above claims of Application No. 11/387,065 and copending Application No. 11/345,653 are not yet issued.

Applicant kindly indicates that the instant application was filed on March 12, 2004, whereas the cited applications were file February 1, 2006 (Application No. 11/345,653) and March 22, 2006 (Application No. 11/387,065); therefore, the instant application enjoys an earlier filing date. Moreover, the filing dates of the cited applications are after the September 15, 2005 publication date of the instant application. For these reasons, Applicant respectfully requests that the obvious-type double-patenting rejection be withdrawn from the claims of the instant earlier filed application, and applied solely to the cited later filed applications [refer to MPEP § 804(I)(B)(1)]. Further, Applicant requests that the instant application be allowed without a terminal disclaimer.

This paper is filed timely. No fee is believed to be due; however, should any fees be required for any reason relating to this paper, the Commissioner is authorized to deduct said fees from Howrey LLP Deposit Account No. 08-3038/13002.0071.NPUS01.

Respectfully submitted,



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